

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	
)	Docket no. 07-cr-49-P-S
LaMICHAEL GILDERSLEEVE,)	
)	
)	
Defendant.)	
)	

**ORDER DENYING REQUEST FOR SENTENCE REDUCTION &
APPOINTMENT OF COUNSEL**

Before the Court is a letter from the Defendant, dated January 22, 2008 (Docket # 24), which this Court has docketed and treated as a motion to appoint counsel and a motion to reduce sentence. Via this submission, the Defendant indicates that he is eligible to have his sentence reduced pursuant to 18 U.S.C. § 3582(c)(2) and the recent amendments to the Sentencing Guidelines related to crack cocaine. After reviewing the file, the Court hereby DENIES the Motion.

The Defendant was sentenced on November 16, 2007 to a term of 78 months. Defendant's letter indicates that his sentence resulted from the Court calculating his offense level at 28 and his criminal history as IV. This is incorrect. At sentencing, the Court, in fact, found that Defendant's total offense level was 23; with a criminal history category of IV, the applicable Guideline range was determined to be 70-87 months. This calculation took into consideration the Guideline amendments with respect to crack cocaine, which had taken effect on November 1, 2007. (Notably, absent the November 1, 2007 amendments, Defendant's Guideline range would have been 84-105 months.)

Because the Court considered the amended Guidelines at the time of Defendant's November 16, 2007 sentencing, there is no need to apply the amendment retroactively and no basis for now reducing Defendant's sentence in accordance with 18 U.S.C. § 3582(c)(2).

For this reason, Defendant's Motion is DENIED.

SO ORDERED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 29th day of January, 2008.